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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LANCE IAN OSBAND,

11 Petitioner,

No. CIV S-97-0152 WBS KJM

12 vs.

DEATH PENALTY CASE

13 JAMES STOKES,
14 Acting Warden of San Quentin
State Prison,

Respondent.

ORDER

15 _____/
16 Respondent seeks to continue the October 6, 2005 hearing on petitioner's motion
17 for reconsideration. Because respondent also has filed a request that the district court hear
18 petitioner's motion for reconsideration, the undersigned finds good cause to vacate the October 6
19 hearing date. If petitioner's motion remains with this court, the undersigned will set a new
20 hearing date, when and if necessary.

21 Accordingly, respondent's September 13, 2005 request to continue hearing is

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1 denied and the October 6, 2005 hearing on petitioner's September 2, 2005 motion for
2 reconsideration is hereby vacated.

3 DATED: September 19, 2005.

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6 UNITED STATES MAGISTRATE JUDGE
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